

Exhibit

A

EXHIBIT A

English Language Learner ("ELL") Programs

In developing, implementing, evaluating, monitoring and enforcing its language programs for ELL students, the District shall include, but not limit its program for ELL students, the following provisions:

1. Related to the District's ELL student folder review for Language Proficiency Assessment Committee (LPAC) compliance with state and federal regulations, the District shall:
 - a) Create a district sample ELL folder inclusive of all actions required by LPACs.
 - b) Create a district template that can be used for ELL folder reviews.
 - c) Create a spreadsheet using a 20% sample of ELL student folders in all district schools, with columns for identification, placement, exit, monitoring, and exemption (a sample is available in Plaintiff's Expert Report of Lina Flores, Dkt. No. 185-2 at p. 84).
 - d) Develop a report evaluating the sample folder reviews that also outlines procedures to ensure LPAC compliance.
2. Related to the District's systematic tracking and identification of ELL students, the District shall:
 - a) Create a centralized database tracking ELL students in all schools.
 - b) Maintain the most recent Public Education Information Management System (PEIMS) report showing appropriate coding of ELL students.
3. Related to Special Education and ELL students, the District shall:
 - a) Create and maintain a research-based Pre-referral Intervention Team. For additional guidance, see Expert Report of Lina Flores (Dkt. No. 185-2, pages 31 & 38).
 - b) Maintain documentation showing that all ELL special education students in the district were administered a home language test before being placed into special education and the testing results.
 - c) Maintain documentation showing the coordination between LPACs and Admission, Review and Dismissal Committees.
 - d) Create a centralized database/profile of special education ELL students, including their corresponding language proficiency over the last three years, proof of testing in the home language, and other standardized testing results.
 - e) Address and correct the deficiencies noted in the most recent PBMAS Special Education Report.

4. Related to placement of ELL students in Gifted and Talented (GT) Programs, the District shall:
 - a) Provide professional development programs, focusing on identifying and placing ELL students for GT programs and creating higher expectations for ELL students.
 - b) Develop a GT program similar to the Rezuli Model (Expert Report of Lina Flores at p. 39) that has been created for ELL students that are not identified for GT programs based on traditional testing instruments.
5. The District shall create and maintain a Bilingual Education/English as a Second Language Task Force (Task Force). Related to the Task Force, the District shall:
 - a) Develop with the Task Force guidelines and goals for the Task Force.
 - b) Maintain a list of the Task Force's members, mentors and their qualifications.
 - c) Maintain the Task Force's plan of action and all additional documentation showing that the task force is supporting the District in creating a clearly defined ELL program model, including a structured description of languages of instruction, and district-wide support processes for consistent program implementation, including vertical alignment.
6. The District shall develop a district-wide ELL needs-assessment. Related to the ELL needs-assessment, the District shall:
 - a) Develop the needs-assessment by relying on data compilation of assessment results, analysis and changes that address areas of concern to accelerate language, literacy and academic development for ELL students.
 - b) Include in the District's three-year performance goals annual benchmarks for ELL students, including English proficiency, academic achievement, graduation rates, college-readiness, participation in GT, AP, and dual credit programs.
7. Related to the District Improvement Plans and Campus Improvement Plans required under law and regulations, the District shall:
 - a) Include in the plans actions to improve ELL student performance.
 - b) Create annual evaluation reports on implementation of District Improvement Plans and Campus Improvement Plans.

8. The District shall accelerate ELL instruction. Related to Accelerated ELL Instruction, the District shall:
 - a) Create and maintain a list of ESL software programs that are actually used in school computer labs.
 - b) Create and maintain ESL computer lab schedules showing students actually using the labs.
 - c) Conduct classroom observations in ESL computer labs and show implementation of the English Language Proficiency Standards (ELPS) and/or Structured Immersion Operating Protocols (SIOP).⁵
9. The District shall develop and implement at all levels an ELL high expectations plan, which shall include:
 - a) A philosophy statement and implementation plan of high expectations for ELL students, demonstrating value of the first language and culture of ELL students by promoting the value and use of students' home language and culture, and belief that they can have a positive impact on ELL students.
10. Related to ELL instructional support and classroom observations, the District shall:
 - a) Conduct and document classroom observations.
 - b) Maintain dates and schedules for future classroom observations.
 - c) Produce a summary of findings on the classroom observations related to instructional support.
 - d) Provide a summary of Professional Development and Appraisal System concerning ELPS.
11. The District shall create and maintain SIOP Teams consisting of faculty and administrators. Related to the SIOP Teams, the District shall:
 - a) Create and maintain a list of members for each SIOP team.
 - b) Maintain a list of the qualifications of each teacher and administrator on the team, specifying which content area the member teaches in and whether or not they are certified in ESL or Bilingual.
 - c) Ensure collaboration between the SIOP teams and the district faculty and maintain proof thereof.

⁵ For purposes of the Consent Decree in this case, any reference to SIOP shall include any equivalent protocol that is based on proven and sound pedagogy but shall not include Structured English Immersion.

12. Related to ELL training, the District shall:
 - a) Maintain sign-in sheets for any professional development training for teachers and administrators serving ELL students, including training to language and content area teachers using TELPAS language proficiency data and benchmark data.
13. Related to district-wide accountability, the District shall:
 - a) Maintain documentation showing how the District is using performance data in district-wide classroom observations.
 - b) Conduct follow-up and provide feedback/directives to faculty and school administrators to improve ELL student performance, and maintain documentation thereof.
14. Related to ELL faculty qualifications, the District shall:
 - a) Create and maintain a list of teachers in each school, the subject and grade level they teach, and their certification status in bilingual/ESL.
 - b) Create and enforce a district policy stating that the District will not higher unqualified, under-qualified or lesser qualified teachers and ESL facilitators to serve ELL students. Although the Elementary and Secondary Education Act may not require the bilingual/ESL certification for "highly-qualified" purposes, the District shall require such certifications to serve its ELL students.
15. The District shall ensure that it conducts and completes timely annual evaluations required under Tex. Admin. Code § 89.1265 (and any amendment thereof).
 - a) This evaluation shall exceed the elements audited in January 2011 by the Regional Service Center, which covered a generic snapshot for all students instead of evaluating LEP students as a group and did not contain additional ELPS/SIOP observations.
16. Related to instructional leadership and supportive staff capacity for ELL students, the District shall:
 - a) Ensure and maintain documentation evidencing how instructional and programmatic support was achieved at all district campuses.
17. The District shall create, implement and maintain a Professional Learning Community and Mentoring System (PLCMS), which shall include:
 - a) Documentation showing the PLCMS guidance and expectations.
 - b) List of mentors/mentees and any other members of the PLCMS.

18. Related to ELL students in extracurricular and co-curricular activities, the District shall:
 - a) Ensure ELL students are not prohibited from, or otherwise discouraged from, participating in any extracurricular and co-curricular activities because of proficiency in the English language;
 - b) Create and maintain a list of extracurricular and co-curricular activities.
 - c) Report on the number of ELL participants by co-curricular and extracurricular activity.
 - d) Report on the number of extracurricular and co-curricular participants by race.
19. The District's School Board shall create and present bi-annual compliance reports with the provisions related to ELL programs in this exhibit and the Consent Order. These reports shall:
 - a) Include a written report.
 - b) Be presented to the public at board meetings. The District may present the Fall public report in conjunction with a regular board meeting. The District shall present the Spring public report in a Special Board Meeting. In addition to a public notice requirements, the District shall provide direct written notice individually to parents of ELL students. These written notices may be disseminated by ELL students' teachers.
20. The District shall identify the name(s) of the person(s) directly responsible for ensuring satisfaction of each corresponding obligation in this Consent Order.
21. The District shall maintain documentation evidencing the above obligations and shall produce to Plaintiff's such documentation upon request.